

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|-----------------------------|---|----------------|
| THE SALE AND DETARIFFING OF |) | |
| EMBEDDED CUSTOMER PREMISES |) | ADMINISTRATIVE |
| EQUIPMENT |) | CASE NO. 269 |
| |) | |
| PHASE 4 |) | |

O R D E R

BACKGROUND

On January 14, 1987, the Commission released an Order in this case. In part, the Order detariffed customer premises equipment used to provide "911" emergency services.¹ Subsequently, on March 17, 1988, the Commission released an Order on Clarification. Among other things, the Order on Clarification affirmed the decision to detariff 911 customer premises equipment and required unbundled 911 data base access.²

On July 21, 1988, South Central Bell Telephone Company ("South Central Bell") advised the City of Madisonville that it would not allow access to its E911³ SALI⁴ data base. In

¹ Administrative Case No. 269, Phase IV, Order dated January 14, 1987, page 5.

² Administrative Case No. 269, Phase IV, Order dated March 17, 1988, page 3.

³ Enhanced 911. Enhanced 911 is a distinct service offering. The alternative is B911 or Basic 911.

⁴ Stand-Alone Automatic Location Identification.

correspondence with the City of Madisonville, South Central Bell stated:

The E911 SALI service software and the information in it are very proprietary so BellSouth cannot allow access to this software by programmers outside of BellSouth. We also have a significant amount of money tied up in the development of the software. We cannot sell the data base except as used with E911 SALI service be it with our equipment or your own ⁵ equipment that meets the specifications I've provided.

On August 1, 1988, the City of Madisonville filed correspondence with the Commission concerning the E911 SALI data base. The City of Madisonville stated:

If indeed South Central Bell can refuse to provide the basic information, i.e., telephone number, name and telephone location, of those customers who reside in the area which we seek to offer 911 service, then the results of your ruling [to detariff ⁶ 911 customer premises equipment] would seem meaningless.

Furthermore, the City of Madisonville requested advice as to whether "the actions of South Central Bell are in accord with current ruling of the Public Service Commission."⁷

⁵ Letter from Mr. Bruce Bohn, South Central Bell, to Mr. Bob Simmons, City of Madisonville, dated July 21, 1988. The term "sell" in the citation may be misleading. The E911 SALI data base is not "for sale" in the sense of an ownership transaction. Instead, the E911 SALI data base is available to users under recurring monthly rates authorized by the Commission. Mr. Bohn's letter was furnished to the Commission by the City of Madisonville as an attachment to a letter it filed with the Commission on August 1, 1988.

⁶ Letter from Mr. Byron Hobgood, City of Madisonville, to Executive Director, Public Service Commission, dated July 28, 1988.

⁷ Ibid.

DISCUSSION

Local exchange carriers provide 911 emergency services in generically similar ways. Basic 911 is a relatively simple system that does not involve the use of a data base. In this arrangement, an end user accesses a public safety answering point and provides the station attendant with a telephone number and address location. Enhanced 911 is a more sophisticated system that involves the use of a data base. In this arrangement, an end user accesses a public safety answering point and the data base provides the station attendant with automatic number identification and automatic location identification.

An E911 data base can be centralized and serve a number of communities or stand-alone and serve an individual community. In either case, program protocols are designed to protect customer proprietary information from unauthorized retrieval. Furthermore, local exchange carriers generally require the use of software compatible customer premises equipment. As a result, communities are limited in their ability to choose customer premises equipment. This is the substance of the issue raised by the City of Madisonville.

On its own Motion, the Commission will consider the correspondence filed by the City of Madisonville to be a formal complaint and reopen this case to further reconsider the decision to detariff customer premises equipment used to provide 911 emergency services. The issues that will be considered are: (1) the need for restrictions and the reasonableness of restrictions on E911 data base access designed to prevent unauthorized access

to customer proprietary information; (2) the availability in the marketplace of competitive options for customer premises equipment used to provide 911 emergency services that are E911 software compatible; (3) whether E911 data base access restrictions and software compatibility requirements constitute a monopoly bottleneck in the provision of 911 emergency services; and (4) whether the Commission should retariff customer premises equipment used to provide 911 emergency services. In addition, the Commission will consider other issues that may be raised in this case.

FINDINGS AND ORDERS

The Commission, having considered the evidence of record and being advised, is of the opinion and finds that this case should be reopened for the purpose of further reconsideration of the decision to detariff customer premises equipment used to provide 911 emergency services.

In order to facilitate this inquiry, the Commission will adopt the following schedule of procedure:

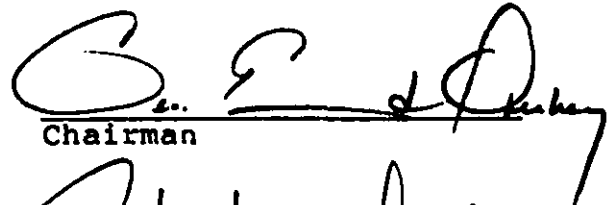
1. Prefiled testimony shall be due no later than January 30, 1989.
2. Information requests shall be due no later than February 13, 1989.
3. Responses to information requests shall be due no later than February 27, 1989.
4. A public hearing shall be scheduled on March 21, 1989, at 9:00 a.m., EST, in the Commission's offices at Frankfort, Kentucky.

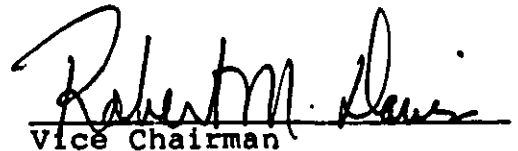
5. Each local exchange carrier should notify their 911 emergency services customers and known potential customers of the initiation of this investigation. Providing such customers with a copy of this Order will be considered adequate notification. Further, each local exchange carrier should provide to the Commission by January 30, 1989 a list of those customers notified and the method of notification.

Accordingly, the above finding and schedule of procedure are
HEREBY ORDERED.

Done at Frankfort, Kentucky, this 10th day of January, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director